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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,345	07/05/2001	Allen Yu	10015353-1	2176

7590 11/17/2004  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/899,345	<b>Applicant(s)</b> YU, ALLEN	
	<b>Examiner</b> Joshua D Campbell	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/5/2001</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 07/05/2001 and IDS filed 07/05/2001
2. Claims 1-23 are pending in this case. Claims 1, 11, 16, 20, 22, and 23 are independent claims.

### ***Information Disclosure Statement***

3. The examiner has considered the information disclosure statement filed on 07/05/2001.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "unlimited" is an indefinite term, thus the claims are viewed as indefinite. This claim will be interpreted as though the word "unlimited" means "multiple".

Proper correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-11, 13-18, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997).

**Regarding independent claim 1**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided

a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claims 3 and 4**, Knight discloses a method in which the objects are delivered based on the aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claim 5**, Knight discloses a method in which the activity levels are recorded on an individual basis then aggregated to determine the community levels of activity (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claims 6 and 7**, Knight discloses that a user may be in more than one community and a community may support many users (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claim 8**, Knight discloses a method in which the type of the community is determined by using keyword pattern recognition (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claims 9 and 10**, Knight discloses a method in which the content editors define the community (subscription service) and also discloses a method in which the users define the community (subscribing to specific communities) (column 19, line 33-column 20, line 20 of Knight).

**Regarding independent claim 11 and dependent claims 13-15**, the claims incorporate substantially similar subject matter as claims 1 and 3-5. Thus, the claims are rejected along the same rationale as claims 1 and 3-5.

**Regarding independent claim 16**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that search contexts are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories (search contexts) that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claims 17 and 18**, Knight discloses a method in which search results are weighted based on user activity levels and then ranked based on the weighting ().

**Regarding independent claim 20**, Knight discloses a method in which pluralities of resources (digital objects), including news sources, are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the

keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claim 21**, Knight discloses a method in which the objects are delivered based on objects having a higher aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding independent claims 22**, Knight discloses a method in which pluralities of resources (digital objects), including advertisements (i.e. electronic shopping), are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them.

However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding independent claim 23**, the claim incorporates substantially similar subject matter as claim 1. Thus, the claim is rejected along the same rationale as claim 1.

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Williams (US Patent Application Publication Number 2001/0054029, filed on June 12, 2001).

**Regarding dependent claims 2 and 12**, neither Knight nor Tso disclose a method in which period of time since user activity occurred is used to weight activities. However, Williams discloses a method in which the presentation of specific digital objects is based on the amount of time that has passed since the user last viewed the object (page 1, paragraph 0005 of Williams). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the



methods of Knight and Tso with the method of Williams because it would have allowed all objects an equal chance to be delivered as often as the other objects.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Davis et al. (hereinafter Davis, US Patent Number 6,269,361, issued on June 31, 2001).

**Regarding dependent claim 19**, neither Knight nor Tso disclose a method in which an activity count is incremented for resource selection based on a search context. However, Davis discloses a method in which resource selection based on a search is counted by incrementing a counter in order to keep track of user selections (column 21, line 66-column 22, line 53 of Davis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso with the method of Davis because as disclosed by Davis this process was a well-known process in the art.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,185,576

US Patent Number 6,519,571

US Patent Number 6,606,619

US Patent Number 6,763,362

US Patent Application Publication Number 2002/0062258

US Patent Application Publication Number 2002/0078045

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JDC  
November 10, 2004

**STEPHEN S. HONG**  
**PRIMARY EXAMINER**